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IAN F. BURNS & ASSOCIATES
P.O. BOX 71115
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OFFICE OF PETITIONS

In re Application of

Bradley W. Johnson

Application No. 09/876,546

Filed: June 6, 2001

Attorney Docket No720.379

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: DECISION ON PETITION
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This is a decision on the petition under 37 CFR 1.137(b), filed February 13, 2006, to revive the above-identified application.

The petition is **GRANTED**.


The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 23, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained within the allowable period. Accordingly, the application became abandoned on March 23, 2005.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply form the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office.

The amendment filed February 13, 2006, is noted and made of record.

The application is being forwarded to Technology Center 3700, GAU 3713 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions